IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Bail Appl..No. 160 of 2007()

Crime No.542/06 of Kunnicode Police Station

: PETITIONERS/ACCUSED:

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1. SAJU SAMUEL AGED 23, SAJU SADANAM,
   MELILA P.O., KUNNICODE.

2. VINID KUMAR, AGED 24,
   SOBHA MANDIRAM, MELILA P.O., KUNNICODE.

BY ADV. SRI.S.SREEKUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
CRIME NO.542 OF 2006 OF KUNNICODE POLICE STATION.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.160 of 2007

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Dated this the 19th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 1 and 2 in Crime No.542 of 2006 of Kunnicode Police Station for offences punishable under Sections 451, 323, 324 and 427 read with Section 34 I.P.C. and subsequently also registered for an offence punishable under Section 308 I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the first accused is a habitual offender and the de facto complainant had sustained grave head injuries.

3. It is true that the alleged occurrence took place on 25.12.2006 at 7.30 p.m. in front of the shop of the de facto complainant and he was struck on the head with a wooden stick. Going by the facts and circumstances of the case, anticipatory bail cannot be granted to the petitioners. But at the same time, I am of the view that the petitioners should be given an opportunity to surrender before the Investigating Officer for interrogation and thereafter release on bail by the Magistrate having jurisdiction.

Accordingly, the petitioners shall surrender before the Investigating Officer on any day between 22.1.2007 and 23.1.2007 for the purpose of custodial interrogation and recovery of incriminating material, if any. The petitioner shall thereafter be produced before the Magistrate having jurisdiction on the same day, who shall in the event of an application for bail filed by the petitioners, release them on bail on appropriate conditions.

This application is allowed as above.

V.Ramkumar,
Judge.

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